

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

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CODY JONES, :  
Plaintiff, : Case No. 1:18-cv-00929  
vs. : OPINION & ORDER  
CITY OF ELYRIA, OHIO, et al. :  
Defendants. :  
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JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff Cody Jones sues City of Elyria Police Officers Anthony Weber, Nicholas Chalkley, and Paige Mitchell (collectively, the “Officer Defendants”); Elyria Police Department Chief Duane Whitely; and the City of Elyria, Ohio.<sup>1</sup> On November 8, 2018, the Court granted in part and denied in part Defendants’ motion for summary judgment, allowing the bulk of the claims against the Officer Defendants to proceed to trial.<sup>2</sup> The Officer Defendants interlocutory appealed.<sup>3</sup>

On January 17, 2020 the Sixth Circuit Court of Appeals issued its opinion in this case.<sup>4</sup> The Court of Appeals affirmed in part and reversed in part this Court’s judgment regarding the qualified immunity of the Officer Defendants.<sup>5</sup> Specifically, the Court of Appeals disagreed with this Court’s denial of qualified immunity for Officer Mitchell on three counts.<sup>6</sup>

On February 10, 2020, the Sixth Circuit Court of Appeals issued a mandate in

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<sup>1</sup> Doc. [29](#).

<sup>2</sup> Doc. [47](#).

<sup>3</sup> Doc. [48](#).

<sup>4</sup> Doc. [51](#).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

accordance with its decision in this matter.

In light of the Sixth Circuit's mandate, the Court **GRANTS** summary judgment in favor of Officer Mitchell on the Fourth Amendment false arrest claim, the state law false arrest claim, and the Fourth Amendment excessive force claim. The remaining claims against the Officer Defendants will proceed to trial in accordance with this Court's original summary judgment order.

On January 15, 2019, this Court entered a stay in the case pending the outcome of the Defendants' appeal.<sup>7</sup> The stay in this matter is hereby lifted.

IT IS SO ORDERED.

Dated: February 10, 2020

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>7</sup> Doc. [50](#).